

REMARKS

In accordance with the above amendments, claims 18-21 (4 claims) have been canceled and new claims 35-38 (4 claims) have been added. Claims 22, 25 and 27 have been amended. Thus, claims 22-38 remain under consideration in this application and no claim presently stands as having been allowed.

The cancellation of claims 20 and 21 should render the claim rejections under 35 USC § 112 moot and withdrawal of this rejection is respectfully requested.

The rejection of independent claims 18, 19 and claim 25 under 35 USC § 102(b) as being anticipated by Elrick et al (U.S. 4,029,529) is respectfully traversed. With respect to the new independent claims and claims 25, contrary to the opinion expressed by the Examiner, applicants believe that Elrick et al is not related to manufacture a use of single-based propellants. It should be noted that the composition relied on by the Examiner is but a component of a composite propellant which is the subject of the Elrick et al '529 reference as Elrick et al teach the manufacture of a composite modified rocket propellant which, in the end, uses a relatively low concentration of nitrocellulose as part of the binder system. While at column 4, lines 5-16, the reference does discuss a wide variety of solvents and plasticizers for nitrocellulose, it also states that "In general, any solvent or plasticizer for nitrocellulose can be used as a solvent for the

mixed resin propellant system of this invention". Thus, it is clear that Elrick does not recognize any advantage to the use of particular plasticizers. They are clearly not concerned with the replacement of energetic, toxic plasticizers with more efficient, non-energetic or non-toxic plasticizers. The discovery of the present invention is clearly nowhere suggested.

The rejection of the claims under 35 USC § 103(a) as being unpatentable over Oversohl et al (3,364,086) in view of Elrick et al (4,029,529) and further in view of Plunguian (3,451,883) and Yunan (5,187,320) is also respectfully traversed. Note that the focus of the Oversohl '086 reference is the manufacture of very high burning rate propellants for applications to cast rocket propellant grains. The propellant of the present invention are clearly gun or artillery propellants which have different priorities. The reference is not concerned with the use of non-energetic plasticizers to replace traditional high energy, toxic plasticizers.

While it is possible using hindsight to pick ingredients and percentages and conjure up a formula using only a non-energetic plasticizer from the ingredients, for example, listed in Table I (column 3) in a high nitrocellulose, single-base propellant, such is neither taught nor suggested by the Oversohl et al reference. Note that Example I involves only the preparation of porous granules from nitrocellulose and Example III involves only the preparation of non-porous granulate from nitrocellulose and its

only use in the reference is in combination with porous granules in a double-base propellant with nitroglycerin. It should be noted that all the final explosives used in the reference are double base. Thus, the reference neither teaches nor suggests anything about plasticizers to one skilled in the art. The reference is interested in the production of granules of nitrocellulose, be they porous or non-porous, for use in double base propellants. The work does demonstrate the use of diphenyl amine and ethyl centralite as stabilizers for nitrocellulose, however.

Whereas Plunguiian '883 names a wide variety of plasticizers as being suitable for nitrocellulose, among them being adipates and citrates, the patent is unrelated to propellant manufacture and end use and teaches only that nitrocellulose can be used in "latex emulsions" to produce shaped articles. The only mention of propellant related articles is for combustible cartridge cases.

Yunan '320 is also unrelated to single-base propellant manufacture or end use. Instead, that reference is directed to the manufacture of plastic bonded explosives (PBX's) that utilize 2-30% nitrocellulose as a binder. Furthermore, the nitrocellulose used in this reference is clearly low nitrogen industrial grade material which one skilled in the art would recognize as being unsuitable for use in single-base propellants. The reference speculates that citrate plasticizers are good for this application because they do not affect the crystallinity of the solid explosives used in most

PBX's. This reference, like the others, fails to suggest the application of the present invention.

It remains that the discovery that relatively smaller amounts of citrate or adipate plasticizers can successfully plasticize high nitrogen nitrocellulose in single-base gun propellants which allows successful substitution of them for the energetic plasticizer materials traditionally used in such formulas is neither shown nor suggested by the references, taken either singularly or in combination. This, as shown in the comparison formulas in Table 1 and Table 2A, for example, also allows more nitrocellulose to be used in the formulas.

In view of the above amendments, taken together with the remarks herein, the Examiner is requested to enter this Amendment and reconsider and withdraw the present rejections. Applicants believe that the present amendments do put the claims in condition for allowance and reconsideration and allowance of the claims is respectfully requested.

Respectfully submitted,

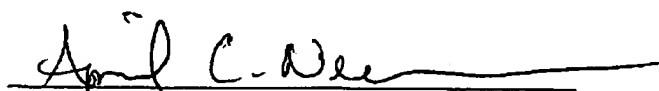
NIKOLAI& MERSEREAU, P.A.



C. G. Mersereau
Reg. No. 26205
Attorney for Applicant
820 International Centre
900 Second Avenue South
Minneapolis, MN 55402
(612) 339-7461

CERTIFICATE OF FACSIMILE

I hereby certify that the foregoing Amendment in response to the Final Official Action of November 1, 2004, together with a Transmittal Letter, in application Serial No. 09/673,230, filed on October 12, 2000, of William J. Worrell, Jr. et al, entitled "DINITROTOLUENE (DNT)-FREE SINGLE BASE PROPELLANT" are being sent by facsimile transmission to: The Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on January 3, 2005.



April C. Nelson
Secretary to C. G. Mersereau
Attorney for Applicant

Date of Signature: January 3, 2005